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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,913	02/17/2000	Ronald A. Katz	245/247(6046-101D7)	7196
35554	7590	07/25/2006	EXAMINER	
REENA KUYPER, ESQ. BYARD NILSSON, ESQ. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			WOO, STELLA L	
			ART UNIT	PAPER NUMBER
			2614	
			DATE MAILED:	07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/505,913	KATZ, RONALD A.
	<b>Examiner</b>	<b>Art Unit</b>
	Stella L. Woo	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 May 2006.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 16-141 is/are pending in the application.
- 4a) Of the above claim(s) 112-141 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 16-111 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/05/06; 08/26/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 15, 2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16-42, 45-72, 75-105, 108-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. (US 4,799,156, hereinafter "Shavit") in view of Smith (US 5,450,123), and further in view of Filepp et al. (US 5,347,632, hereinafter "Filepp") for the same reasons given in the last Office action and repeated below.

Shavit discloses a commercial transaction communication system (Interactive Market Management System 50), the system being adapted for use with an on-line computer service (Shavit provides for access to a variety of

information sources and database providers, e.g. Dialog; col. 7, lines 9-15), comprising:

an interface (personal computers 62, 64 and communications interface 79; col. 5, line 28 - col. 6, line 51);

an audio system (interactive conversational service; col. 7, line 58 - col. 8, line 4);

a text system (mailbox service, col. 8, lines 12-22; col. 11, line 52 - col. 12, line 18; transaction service, col. 12, line 42 - col. 14, line 21., facsimile service, col. 14, line 22);

a storage memory (database stores subscriber data and request data; col. 7, lines 23-46; col. 25, lines 28-50);

a control computer unit (central processor 80) utilizing request data entered by the active buyer to seek responses from a select vendor from a plurality of vendors (one or more Request for Quotations (RFQ's) are entered by the buyer to seek bids from one ore more distributors; col. 13, lines 10-34) and directing an electronic mail message relating to the select vendor to the active buyer via the on-line computer service (system 50 provides email messages to each user, including bids in response to requests for particular goods or services input by the user, promotions, and other information of particular interest to buyers; col. 11, lines 52 – col. 12, line 26; col. 13, lines 25-27; col. 18, lines 44-49; col. 20, lines 2-39).

Shavit differs from claims 16-42, 45-72, 75-105, 108-111 in that it does not specify a dynamic video system. However, Smith teaches the desirability of including a camera at a representative terminal so that direct, real-time, point-to-point video communication can take place between a customer and the representative (col. 3, lines 26-27; col. 4, lines 25-28; moving pictures are communicated via AT&T 2500 video telephone sets, col. 1, lines 27-28) such that it would have been obvious to an artisan of ordinary skill to incorporate such dynamic, full-motion video communication, as taught by Smith, within the system of Shavit in order to provide a real-time video as well as audio communication between the customer and representative. In this way, a more realistic face-to-face meeting can take place.

Further, Smith teaches the desirability of allowing buyer access to a vendor supplied video image stored in a video file server (video source and database 6) for enhancing sales communication with the use of video (col. 1, line 51 - col. 3, line 27) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of video, as taught by Smith, within the method of Shavit in order to allow a buyer to view the desired goods or services.

The combination of Shavit and Smith further differs from the claims in that although Smith provides for supplying customized information (col. 5, lines 48+), it does not specify storing in memory identification data of an interested buyer in association with a designated area of commercial interest. However, Filepp teaches the desirability of storing user data in association with

a designated area of commercial interest in order to provide targeted advertisements according to collected parameters (col. 9, lines 27-47) such that it would have been obvious to incorporate such customization of advertisements, as taught by Filepp, within the combination of Shavit and Smith so that potential buyers receive targeted promotional e-mail messages regarding products that would more likely interest the particular buyer.

Regarding claims 19-20, 41-42, 48-49, 68-69, 81-82, 101-102, Smith provides for a dynamic video source and database 6.

Regarding claims 21, 50, 83, Shavit provides for printing documents via facsimile (col. 14, line 22).

Regarding claims 22-23, 51-52, 84-85, 110, the examiner takes Official Notice that it is old and well known in the art at the time of invention to provide for freeze-frame and high resolution video capability in a video communication system such that it would have been obvious to an artisan of ordinary skill to incorporate such well known video features within the combination of Shavit and Smith.

4. Claims 43-44, 73-74, 106-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit, Smith and Filepp, as applied to claims 16, 45 and 77 above, and further in view of Donald et al. (US 5,053,956, hereinafter "Donald") for the same reasons given in the last Office action and repeated below.

The combination of Shavit, Smith and Filepp differs from the claims in that although it provides for displaying products to the customer (Smith, col. 2, lines 65-68), it does not specify an inventory control system. However, Donald teaches the desirability of coupling an interactive video display system with an inventory control system (col. 7, lines 3-9; col. 9, line 61 - col. 10, line 4) so that a customer can view products along with the number available in stock such that it would have been obvious to an artisan of ordinary skill to incorporate such coupling with an inventory control system, as taught by Donald, within the combination so that the customer can be apprised of availability while the seller's inventory database is kept current as items are purchased.

***Response to Arguments***

5. Applicant's arguments filed May 15, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant provides a general statement traversing the Examiner's reliance on taking Official Notice in rejecting certain claims. However, this general allegation is inadequate. The applicant does not specifically point out the supposed errors in the examiner's action which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ando et al. (US 4,888,795) is cited to show the well known provision of freeze-frame, high resolution video in audio/video communication.
  
7. This is a continued examination of applicant's earlier Application No. 09/505,913. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the

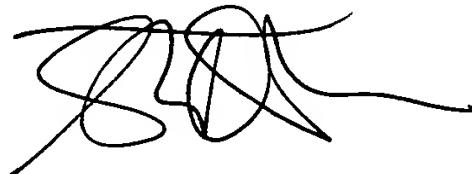
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advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stella L. Woo  
Primary Examiner  
Art Unit 2614